

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Sharon J. Coleman	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	05 C 4088	DATE	7/19/2011
CASE TITLE	Rosenthal Collins Group, LLC vs. Trading Technologies International, Inc.		

DOCKET ENTRY TEXT

Plaintiff and Counter-Defendant Rosenthal Collins Group, LLC (“RCG”)’s motion for a protective order and to quash the subpoenas served on CQG, Inc. [501] is granted.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

On July 11, 2011, plaintiff and counter-defendant Rosenthal Collins Group, LLC (“RCG”), filed a motion for a protective order and to quash the subpoenas served on CQG, Inc. For the reasons stated herein, the motion is granted.

On February 23, 2011, this Court entered an order defaulting RCG on its claims and defenses for certain discovery misconduct addressed at length in this Court’s order on February order and the subsequent order denying reconsideration of that ruling. All that remains in the case now is a trial on damages set for January 23, 2011.

On July 1, 2011, defendant and counterclaimant Trading Technologies International, Inc. (“TT”) served two subpoenas on third-party CQG, Inc. seeking information about RCG’s use of CQG’s electronic trading products. TT asserts that since it included in its allegations against RCG, other third party “infringing software,” such as that of CQG and GL Trade, it should be able to seek discovery and damages from RCG based on RCG’s use and distribution of CQG and GL Trade software. TT’s label of CQG and GL Trade as

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“infringing software” is, at this stage, a misnomer and, at best, premature considering that TT’s infringement cases against both CQG (05 cv 4811) and GL Trade (05 cv 4120) are still pending. This Court’s order was directed only to the conduct and products of RCG, the plaintiff and counter-defendant in this case, and did not intend to give TT carte-blanche to recover damages based on any company’s software that it has accused of infringement. Accordingly, this Court grants RCG’s Motion to Quash the Subpoenas and enters the Protective Order.